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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DON'T SHOOT PORTLAND, a nonprofit corporation, in its individual capacity, NICHOLAS J. ROBERTS, in an individual capacity and on behalf of themselves and all others similarly situated, MICHELLE "MISHA" BELDEN, in an individual capacity and on behalf of themselves and all others similarly situated, ALEXANDRA JOHNSON, in an individual capacity and on behalf of themselves and all others similarly situated,

PLAINTIFFS,

v.

CITY OF PORTLAND, a municipal corporation, and MULTNOMAH COUNTY, a political subdivision of the State,

DEFENDANTS.

3:20-cv-00917-HZ

DECLARATION OF BRENT TAYLOR

**(In Support of Defendant City of Portland's
Response to Motion for Preliminary
Injunction)**

I, Brent Taylor, declare as follows:

1. I have been employed as a police officer by the Portland Police Bureau for nine and a half years. I am currently assigned to East Precinct patrol. I also serve as grenadier for

Portland Police Bureau's Rapid Response Team ("RRT"). I have been a member of RRT for six years. I have been a grenadier for more than two years.

2. I am one of the grenadiers for Delta Squad and have received special training in the use of these less lethal platforms as well as the use of riot control agents. These less lethal platforms include a 40mm launcher, which is a less lethal platform that allows a variety of munitions to be fired from it. These can include impact munitions, such as a foam tipped impact round, a marking round that contains paint, or an Oleoresin Capsicum ("OC") round that contains OC powder and disperses on impact. In addition, the 40mm launcher can be used to launch riot control agents ("RCAs") such as smoke (obscurant), 2-chlorobenzalmalononitrile "CS gas" and Oleoresin Capsicum Pyrotechnic ("OC pyrotechnic"). Another less lethal platform is the FN303, which is a compressed air driven less lethal launcher similar to a paintball gun. The FN303 launches a specially designed plastic fin stabilized projectile that can have a paint, marking or OC payload.

3. In addition to launchable RCAs, grenadiers also carry hand-tossed munitions including canisters of CS gas, OC pyrotechnic, and OC vapor. Grenadiers also may carry rubber ball distraction devices ("RBDDs"). RBDD payloads can vary, and some do not have any payload at all and are called inert RBDDs. An inert RBDD delivers a blast of light and sound but contains nothing else. "Live" RBDDs deliver a blast of light and sound and contain small rubber balls (approximately .81 cm each) which are dispersed in the explosion. OC RBDDs deliver a blast of light and sound and also project a cloud of OC. Finally, grenadiers also can carry a larger can of hand held OC spray, called an MK-9.

4. On the nights of May 30, 2020, May 31, 2020, June 2, 2020, June 25, 2020, June 26, 2020 and June 27, 2020, I was assigned to RRT Delta Squad as a grenadier and carried some or all of the above-referenced special munitions. I deployed some of these special munitions on those nights as follows.

5. On May 30, 2020, my squad was deployed downtown. At SW 3rd Avenue and SW Main Street, I heard numerous announcements from the sound truck ordering protestors to leave, but they did not leave the street. Protestors then began to throw objects, including water bottles, glass bottles, jugs of milk and other items at the police. I deployed one rubber ball distraction device with an OC payload at the feet of subjects in the front of the crowd in order to move this group that was refusing to follow the orders to leave and was blocking our ability to reach the individuals throwing projectiles. At this same location, the sound truck began announcing that the event had become a riot. While my Squad attempted to clear the street, I observed a male subject throw a water bottle at officers. I deployed 3-4 rounds from my FN303 at the individual, which appeared to impact him, and he dispersed into the crowd.

6. Later, while on the RRT van stopped near the intersection of SW 3rd and SW Salmon, a male subject ran around the corner holding two metal dog dishes. I told the subject to drop the dishes, and he threw one of them at officers who were standing on the rails of the van. I jumped from the van and deployed 4 or 5 OC rounds from my FN303. The subject threw the other dish before running away.

7. After moving to the area of SW Naito Parkway and SW Pine Street, we encountered a crowd of protestors in the street who began throwing plastic water bottles at the RRT officers. At this point the Mayor's curfew was in place and a riot had been declared. The sound truck was at SW Naito Parkway, ordering these people to leave. In order to disperse this group that was throwing projectiles, I deployed two or three RBDDs and a canister of CS gas in front of the group, which caused the individuals to leave.

8. Near SW 1st Avenue and SW Taylor Street, I observed another individual throwing water bottles at my Squad. I deployed several FN303 rounds, which caused the subject to stop throwing things.

9. Later in the evening, into the early morning of May 31, Delta Squad responded to NE Portland to disperse a group of protestors engaged in vandalism and looting. When we

arrived, several members of my squad gave force warnings and instructed people to leave. I deployed 4 or 5 RBDDs near NE Broadway and NE Weidler to disperse those individuals who were vandalizing and looting in the area. I similarly deployed some RBDDs near NE 2nd Avenue and NE Everett and the area of NE 3rd Avenue and NE Davis Street in order to disperse groups of people who were failing to disperse.

10. On May 31, 2020, Delta Squad was initially deployed to PPB's Southeast Precinct, but was reassigned to address large crowds downtown. While driving to downtown, I heard that another RRT squad that was already downtown were having glass and plastic bottles thrown at them. As we were arriving, one individual threw a two to three foot section of wooden board at Delta Squad while we were riding on the rails. When we arrived at the SW Park Blocks, I observed several individuals dressed in dark clothing throwing bottles, rocks and other projectiles at officers. I also heard the sound truck announce that the demonstration had been declared a civil disturbance and ordering the crowd to disperse. I placed a few RBDDs in front of the crowd to prevent the individuals from continuing to throw projectiles. I also deployed CS gas and OC vapor to move the crowd back away from officers. Throughout the evening, I deployed several additional canisters of CS gas and OC vapor throughout the downtown core to disperse aggressive crowds and to overcome active aggression from people throwing water bottles, glass bottles, rocks and fireworks. Because of the pace of the events and the movement, I do not recall the exact location that I deployed these munitions.

11. In addition to these RBDDs, CS gas and OC vapor, I deployed approximately fifteen rounds from my FN303 at an individual in the SW Park Blocks who was throwing bottles and picking up a road cone to throw at officers. The rounds appeared to impact the individual. At SW Fourth and SW Salmon, I observed an individual who was initially just agitated and very vocal toward the officers. However, a short time later, she picked up a road cone and threw it at officers. I deployed a few OC rounds from my FN303, which appeared to impact her. I also deployed several rounds to the ground near her to keep her away from officers. As we drove by

her, she picked up another object from the ground and appeared ready to throw it at officers. I deployed a CS canister at that time.

12. At approximately 9:00 p.m., on June 2, 2020, Delta Squad was deployed in the area of SW 4th Avenue and SW Taylor Street to maintain the security of fencing that was erected to block portions of downtown. When we arrived, there were approximately 500 protestors in the street and some were throwing water bottles and other projectiles. The decision was made to disperse the crowd northbound away from the fencing and announcements were made from the sound truck. I used two inert RBDDs in connection with this dispersal. I also deployed several OC rounds from my FN303 toward the ground to prevent the crowd from getting too close to officers or the fencing. I also deployed several rounds from my FN303 at an individual who had picked up a munition to throw it back at the police and at an individual who was using a traffic cone to cover deployed munitions and pour water on them. These FN303 rounds appeared to impact their intended targets.

13. At approximately 10:00 p.m., Delta Squad encountered the same group at approximately SW 5th and SW Taylor. We planned to move the group toward Waterfront Park because individuals were trying to breach the fencing. During this push east, I deployed CS gas, OC vapor and RBDDs. These were deployed to address that crowd throwing a large number of projectiles. I also used many rounds of FN303s, both on the ground to prevent the crowd from advancing toward officers and at individuals who were throwing projectiles at officers or trying to interfere with previously deployed munitions.

14. At approximately 11:15 p.m., with the sound truck announcing that it was a civil disturbance and directing people to leave, Delta Squad again encountered a crowd at SW 4th Avenue and SW Taylor. I deployed several RBDDs, CS gas, and OC vapor. I also deployed my FN303, targeted at individuals in the crowd who were throwing projectiles and trying to interfere with the other munitions.

15. On June 25, 2020, shortly after arriving for my shift at 10:00 p.m., I began hearing that there was a large crowd at North Precinct that was constructing barriers in the street and blocking traffic at PPB's North Precinct. Although I was not assigned to RRT for that night, there was a request for all on-duty RRT to respond to North Precinct. When I arrived, protestors appeared to be securing fencing and barriers. I also observed four or five individuals shining green lasers at officers, making it difficult to see. Throughout the evening I had the lasers directed in my eyes more than twenty times. After observing these individuals shine lasers in officers' eyes for more than two hours, I went to the roof of North precinct to try to identify these individuals. I went to the roof because I believed that would allow me to utilize an angle to address the individuals shining the lasers without impacting others in the crowd. I located two individuals from the roof who were standing near the intersection of NE MLK and NE Emerson. They were pointing their lasers at the line of officers. When these individuals saw me on the roof, they would shine the laser in my eyes. I deployed two OC rounds from my FN303, which struck one of the individuals shining the laser and caused the person to stop and leave. When that individual left, I was able to deploy two additional OC rounds from my FN303 at the other individual shining the laser. These rounds also struck him, and he immediately stopped and left.

16. After the crowd was ordered to disperse, I exited North Precinct through the roll-up door that was within the area that protestors had barricaded. Several individuals with shields began advancing toward us. To protect the officers and give us time to exit the building, I deployed one RBDD in front of the individuals who were advancing.

17. Once we reached the edge of a parking lot, I observed a white male push an officer that had been trying to move the individual from the parking lot. I deployed several OC rounds from my FN303 at the individual until he stopped pushing the officer.

18. After getting past the parking lot, we encountered approximately 75 to 100 protestors. In the very front of the group were five or six individuals holding shields. While we

were waiting for other officers necessary to move the group, the crowd began to throw projectiles including water bottles and rocks. I deployed a single RBDD.

19. As we moved the crowd north, I observed several protestors actively fight with and attack officers by trying to punch and kick them. One protestor wrapped their arms tightly around the leg of Officer Perry. Both Officer Perry and I told the person to let go, and I warned them that they may be hit. The protestor did not release Officer Perry, and I deployed seven or eight rounds OC rounds from my FN303 at the individual's legs and buttocks. It appeared to have little effect, so I stopped and attempted to pull the individual away.

20. Later I observed several individuals attempt to erect barricades from pallets, fencing and other materials in front of us to prevent us from moving. To prevent them from building these barricades I deployed approximately ten OC rounds from my FN303 at these three individuals' legs.

21. As the protestors moved north to NE Killingsworth, they began knocking over dumpsters and lighting them on fire. There was a large dumpster burning in the middle of the intersection. People also continued to throw projectiles at officers. Some protestors moved forward and ignited an additional fire at the NW corner of the North Precinct building, which caused a fire safety issue, as there were several officers and the command center inside. Because of the immediate life and safety issue and the need to get Portland Fire and Rescue access to a safe route to extinguish the flames, I deployed two canisters of CS gas to disperse the crowd. While doing this, I was hit in the right leg with a rock that was thrown from the crowd. I observed protestors also throw bottles, rocks, mortars and other items at officers during this time. I observed an individual throw a glass jar that broke at my feet spilling what appeared to be white paint. The individual prepared to throw another object and I deployed three or four OC rounds from my FN303, which appeared to impact him.

22. While attempting to move the crowd beyond NE Ainsworth Street, officers continued to take projectiles. While we were moving, I deployed two RBDDs toward individuals in the crowd who were throwing items at officers.

23. On June 26, 2020, Delta Squad was directed to move protestors from the street at SW Main and SW Madison. Prior to our arrival, the sound truck had given announcements directing the crowd to remove the barriers that were blocking the entrance to Central Precinct. When we arrived, I observed some individuals with makeshift shields that had positioned themselves in the front of the crowd. Delta Squad performed a dynamic movement toward the protestors to disperse the group. The crowd relocated to Lownsdale Square. At approximately 3:00 a.m., I observed Officer Westerlund and a Multnomah County Deputy attempt to take a suspect into custody. The suspect was actively fighting and had rolled to his side. He had a small fanny pack around his waist, and I was concerned that it may contain a weapon because the suspect was pulling his hands away in that location. I warned the suspect to stop resisting. He did not stop, and I deployed two FN303 paint rounds to his buttocks. The FN303 had no apparent effect, so I stopped firing and removed the fanny pack and the man's backpack so Officer Westerlund and the MCSO deputy could take him into custody.

24. On June 27, 2020, I was in the area around the Justice Center where a crowd was dragging barricades from SW 3rd and SW Salmon and moving them to erect a barricade across SW 3rd at SW Main. We were seeking to remove the barricades and reopen the street. The crowd was instructed by the sound truck to disperse from the street. After the announcements were given, we waited seven minutes at the direction of the incident commanders before deploying to the area to begin clearing the barricades from the roadway. As we approached the crowd, at approximately 10:35 p.m., they were holding shields and umbrellas. Officer Giles attempted to grab an umbrella from a protestor in the front who was using it as a shield. When he grabbed the umbrella, the fabric tore, and the individual started to swing the frame of the umbrella at Officer Giles like a bat. I deployed three or four OC rounds from my FN303 at the legs of the protestor

to little effect. I continued deploying rounds at the individual's lower body until he stopped attacking Officer Giles.

25. As we moved the crowd west on SW Main, individuals deep in the crowd threw water bottles, glass bottles, and balloons filled with paint that had a foul smell. We continued to SW Fourth and SW Main to remove the last barricade. Once the barricade was removed, we removed officers from the area. To do so safely, I deployed smoke to visually obscure the officers as we left. Two subjects attempted to pick up the smoke canisters, apparently to throw them back. I deployed several OC rounds from my FN303 at both individuals who attempted to grab the smoke.

26. Later in the evening, at approximately 1:20 a.m. on June 28, 2020, we responded to a group on the SW 2nd Avenue side of Central Precinct. We received information that an individual was spray painting the glass of the precinct entrance. We were also told that another group was blocking and tampering with the roll up door that blocks the entrance to the jail. Announcements were given from the sound truck that the demonstration had become an unlawful assembly and ordered people to disperse. I observed approximately 200 protestors blocking SW 2nd Avenue between SW Madison and SW Main. As officers were arresting individuals near the intersection of SW 2nd and SW Main, we created a line to give them space. As we were there providing that protection, an officer took an individual's umbrella. I presumed that he did this because umbrellas at protests commonly conceal weapons. I observed a protestor lunge at the officer as if he was going to attack in response to the umbrella. I deployed two FN303 paint rounds to the lower extremities of this protestor.

27. I make this declaration in support of Defendant City of Portland's Response to Plaintiff's Motion for Preliminary Injunction.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: July 3, 2020


Brent Taylor